



City of Hampton, VA

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

NOTICE OF ACTION

City Council - Evening Session

Wednesday, August 08, 2012 - 6:59 PM

W. H. "Billy" Hobbs, Jr.
Will Moffett
Chris Snead

Christopher G. Stuart
Donnie R. Tuck
George E. Wallace

Molly Joseph Ward, Mayor

Staff:

Mary Bunting, City Manager
Cynthia Hudson, City Attorney
Katherine K. Glass, CMC, Clerk of Council

CALL TO ORDER/ROLL CALL

Molly Joseph Ward presided.

Upon Roll Call the following members were present:

PRESENT: 5 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck

EXCUSED: 1 - George E. Wallace

INVOCATION - Councilman Moffett

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

CONSENT AGENDA

CONSENT ITEMS

1. 12-0303 Approval of the Minutes from the afternoon session of May 23, 2012, the special meeting of July 2, 2012, and the afternoon session, public comment period and evening sessions of July 11, 2012.

ACTION: Approved items 1 and 3 through 11 on the consent agenda.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

2. 12-0304 Resolution authorizing the re-appropriation of \$222,296.50 from the General Fund balance to the Hampton Redevelopment and Housing Authority's Hampton Business Incentives Corporation.

ACTION: Approved - this item was pulled from the consent agenda at the request of Councilman Moffett.

MOVER: Councilmember Christopher G. Stuart

SECONDER: Councilmember Chris Snead

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

3. 12-0305 Resolution, Correction Resolution No. 12-0221, Approving the City of Hampton, Virginia's Participation and Appropriation of Funds for the Hampton Clean City Commission from the Department of Environmental Quality, the Solid Waste Fund, the Stormwater Fund and the General Fund.

ACTION: Approved items 1 and 3 through 11 on the consent agenda.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

4. 12-0310 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the 2012-2013 Comprehensive Community Corrections Act and Pretrial Services Act Grant Funding Program Through the Hampton-Newport News Criminal Justice Agency from the Virginia Department of Criminal Justice Services

ACTION: Approved items 1 and 3 through 11 on the consent agenda.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

5. 12-0311 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the FY2012 Edward Byrne Memorial Justice Assistance Grant through the United States Department of Justice.

ACTION: Approved items 1 and 3 through 11 on the consent agenda.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

6. 12-0313 Resolution to accept and appropriate the remaining 10% balance of the 2012 Fire Programs Aid to Localities Funds allocated to Hampton Division of Fire & Rescue.

ACTION: Approved items 1 and 3 through 11 on the consent agenda.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

7. 12-0314 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the 2012-2013 Byrne Justice Assistance Grant Program through the Virginia Department of Criminal Justice Services

ACTION: Approved items 1 and 3 through 11 on the consent agenda.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

8. 12-0315 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of Funds for the 2012 Tobacco Use Prevention for Children Grant from the Virginia Foundation of Healthy Youth

ACTION: Approved items 1 and 3 through 11 on the consent agenda.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

9. 12-0317 Resolution approving and appropriating 2013 Fire Programs Aid to Localities Funds from the Commonwealth of Virginia--Department of Fire Programs.

ACTION: Approved items 1 and 3 through 11 on the consent agenda.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

10. 12-0318 Ordinance To Amend And Reenact Chapter 26 Of The Code Of The City Of Hampton Entitled Parks And Recreation, Article II Entitled Regulations Governing Parks And Recreation Areas Generally, Sections 26-28 Regarding Live Band Performances, Section 26-29 Regarding Operation Of Devices Used For Amplification Of Sound And Section 26-38 Regarding Application Of Article To Public Areas Subject To Special Events Permits.

ACTION: Approved items 1 and 3 through 11 on the consent agenda.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

11. 12-0326 Resolution Approving and Authorizing Submission to the State of the Fiscal Year 2013 Hampton-Newport News Community Services Board Performance Contract.

ACTION: Approved items 1 and 3 through 11 on the consent agenda.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

PRESENTATIONS, PROCLAMATIONS, AWARDS

12. 12-0321 Presentation of House Resolution No. 57 Commemorating the Arrival of Africans to Virginia

ACTION: Presented by Calvin Pearson on behalf of Delegate Jeion Ward who was not able to be present. He was accompanied by members of the 1619 Committee: Jean Harris and Shelton Tucker. Councilman Moffett read the resolution in its entirety.

PUBLIC HEARINGS

REZONINGS

13. 12-0308 Zoning Ordinance Amendment 050-2012 by the City of Hampton to amend and re-enact the following chapters of the Zoning Ordinance of the City of Hampton, Virginia, pertaining to restaurants providing outdoor dining: Chapter 11, entitled "C-1 District—Neighborhood Commercial District" by amending Section 11-1; Chapter 12, entitled "C-2 District—Limited Commercial District" by amending Section 12-1; and Chapter 13, entitled "C-3 District—General Commercial District" by amending Section 13-1.

ACTION: Presented by David Stromberg, City Planner.

ACTION: Held Public Hearing - There were no speakers on this item.

ACTION: Approved

MOVER: Councilmember Christopher G. Stuart

SECONDER: Councilmember Chris Snead

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

14. 12-0309 Zoning Ordinance Amendment No. 051-2012: by the City of Hampton to amend and re-enact Chapter 2.1 of the Zoning Ordinance of the City of Hampton, Virginia, entitled "Definitions" by adding definitions for terms related to the regulation of renewable energy systems and by deleting the section numbering system by which definitions are organized. The definitions will remain listed in alphabetical order.

ACTION: Presented by Tamar Green, City Planner.

ACTION: Held Public Hearing - There were no speakers on this item.

ACTION: Approved

MOVER: Councilmember Christopher G. Stuart

SECONDER: Councilmember Chris Snead

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

CONDITIONAL PRIVILEGE

15. 12-0306 Conditional Privilege Application No. 122-2012: Proposal by Andrea Alston to operate a Day Care 3 for up to 38 children at 923 Aberdeen Road (LRSN 3005147).

ACTION: Presented by Jeff Conkle, City Planner. Ms. Andrea Alston, the applicant, responded to Councilman Moffett's question about community input.

ACTION: Held Public Hearing - There were no speakers on this item.

ACTION: Approved with eleven (11) conditions.

MOVER: Councilmember Will Moffett

SECONDER: Councilmember Christopher G. Stuart

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

16. 12-0307 Conditional Privilege Application No. 126-2012: Proposal by Emmanuel Lutheran Church, to operate a Day Care 3 for up to 154 children at 23 Semple Farm Road [LRSN 6001078].

ACTION: Presented by Alison Alexander, City Planner. In response to Councilman Stuart's question, Ms. Alexander indicated the original applicant was for up to 154 children but was modified down to up to 109 children.

ACTION: Held Public Hearing - There were no speakers on this item. The applicant provided information on the public meeting notification process.

ACTION: Approved with ten (10) conditions.

MOVER: Councilmember Christopher G. Stuart

SECONDER: Councilmember Will Moffett

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

OTHER PUBLIC HEARINGS

17. 12-0319 Proposed amendments to the FY13 Consolidated Housing and Community Development Action Plan HOME Investment Partnership Program Budget

ACTION: Presented by Amanda Olwig, Neighborhood Grant Clerk. Angelique Shenk, Housing & Neighborhood Services Manager, provided additional information.

ACTION: Held Public Hearing - Hugh Bassette spoke on behalf of the Old Northampton Neighborhood Association. Mr. Bassette questioned why there were different amounts available depending on the particular neighborhood.

ACTION: Approved the amendments to the FY13 HOME Investment Partnership Program Budget.

MOVER: Councilmember Christopher G. Stuart

SECONDER: Councilmember Will Moffett

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

RESOLUTIONS

18. 12-0312 Resolution Authorizing the Quitclaim Conveyance From the City of Hampton to 1630 W. Pembroke Properties, LLC of a 40' Strip of Right of Way/Easement Located at 1630 W. Pembroke Avenue, LRSN 1000745, and Authorizing the Execution and Delivery of the Quitclaim Deed to Clear Up Title Issues

ACTION: Presented by Vanessa Valdejuli, Senior Deputy City Attorney.

ACTION: Held Public Hearing - There were no speakers on this item.

ACTION: Approved

MOVER: Councilmember Christopher G. Stuart

SECONDER: Councilmember Chris Snead

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

19. 12-0323 Resolution Authorizing the Quitclaim Conveyance From the City of Hampton to Robert's Creek Corporation or its Assigns of a 40' Wide Right of Way Containing 0.42 Acres ± and Located at 546 E. Mercury Boulevard, LRSN13000786, and Authorizing the Execution and Delivery of the Quitclaim Deed to Clear Up Title Issues

ACTION: Presented by Vanessa Valdejuli, Senior Deputy City Attorney.

ACTION: Held Public Hearing - S. Frear Hawkins, II, Esquire spoke on behalf of the applicant.

ACTION: Approved

MOVER: Councilmember Christopher G. Stuart

SECONDER: Councilmember Will Moffett

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

GENERAL ITEMS

RESOLUTIONS

- 20.** 12-0299 Resolution Setting Forth City of Hampton Position on Reuse of Fort Monroe Wherry Quarter

ACTION: Approved - the resolution, with the modifications proposed in the afternoon session, was read by Councilwoman Snead.

MOVER: Councilmember Chris Snead

SECONDER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

APPOINTMENTS

- 21.** 12-0322 to consider an appointment to the Virginia Air & Space Museum Board of Directors

ACTION: Appointed Ross Mugler to a term commencing immediately and expiring on June 30, 2013.

MOVER: Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 1 - George E. Wallace

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

MISCELLANEOUS NEW BUSINESS

ADJOURNMENT

The meeting adjourned at 8:03 p.m.

Contact Info:

Clerk of Council, 757-727-6315, council@hampton.gov